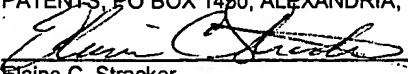


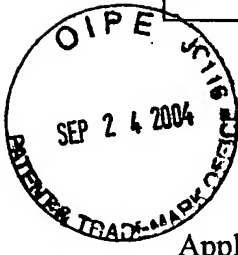
9-27-04

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PATENT
 Attorney's Docket No.: 00042.04CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Rabinowitz et al.
 Serial No.: 10/769,051
 Filed: 1/30/2004
 Title: DELIVERY OF PHYSIOLOGICALLY ACTIVE COMPOUNDS
 THROUGH AN INHALATION ROUTE

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:


In accordance with their continuing duty of disclosure under 37 CFR §§ §1.97, 1.98 and 1.56, Applicants hereby submit for consideration in the above-identified application the enclosed references. The Information Disclosure statement submitted herewith is being filed within three months of the filing of a national application other than a continued prosecution application under 37 CFR 1.53(d); within three months of the date of entry of the national stage as set forth in 37 CFR 1.491 in an international application; before the mailing of a first Office Action on the merits, or before the mailing of a first Office Action after the filing of a request for continued examination under 37 CFR 1.114.

For the convenience of the Examiner, the references are listed on a PTO Form 1449 (attached) and copies thereof are enclosed. Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including any extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 502731. Please direct all correspondence to the following customer number.

Respectfully submitted,

Date: SEP. 24 2004


Elaine C. Stracker J.D., Ph.D., Reg. 43,166

Alexza Molecular Delivery Corporation
1001 East Meadow Circle
Palo Alto, CA 94303
TEL: (650) 687-3905
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PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/769,051
	Filing Date	1/30/2004
	First Named Inventor	Joshua D. Rabinowitz
	Art Unit	Not yet known
	Examiner Name	To be assigned
Total Number of Pages in This Submission	Attorney Docket Number	00042.04CON

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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Firm or Individual name	ALEXZA MDC, 1001 East Meadow Circle, Palo Alto, CA 94303 Elaine C. Stracker, Ph.D., J.D. Telephone (650)-687-3905	Customer Number 37485
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Date	SEP. 24 2004	

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Form PTO-1449

Docket Number: 00042.04CON

Application Number: 10/769,051

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/30/2004

Group Art Unit: Not yet known

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
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	2.	09/21/1976	3,982,095	Robinson			
	3.	10/24/1978	4,121,583	Chen			
	4.	05/27/1980	Re. 30,285	Babington			
	5.	12/01/1981	4,303,083	Burruss, Jr.			
	6.	10/02/1984	4,474,191	Steiner			
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	11.	03/29/1988	4,734,560	Bowen			
	12.	04/05/1988	4,735,217	Gerth et al.			
	13.	06/28/1988	4,753,758	Miller			
	14.	07/12/1988	4,756,318	Clearman et al.			
	15.	09/20/1988	4,771,795	White et al.			
	16.	12/27/1988	4,793,365	Sensabaugh, Jr. et al.			
	17.	04/11/1989	4,819,665	Roberts et al.			
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	24.	03/06/1990	4,906,417	Gentry			
	25.	04/17/1990	4,917,119	Potter et al.			

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Form PTO-1449

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Application Number: 10/769,051

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/30/2004

Group Art Unit: Not yet known

26.	05/08/1990	4,922,901	Brooks et al.			
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53.	07/03/2001	6,255,334	Sands			
54.	10/09/2001	6,299,900	Reed et al.			

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	Applicant: Joshua D. RABINOWITZ et al.			
	Filing Date: 1/30/2004		Group Art Unit: Not yet known	

	55.	10/23/2001	6,306,431	Zhang et al.			
	56.	01/14/2003	6,506,762	Horvath et al.			
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	62.	07/04/2002	US 2002/0086852	Cantor			
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	67.	08/04/2003	10/633,876	Hale et al.			
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PTO/SB/ 08 (2-92)	Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Form PTO-1449

Docket Number: 00042.04CON

Application Number: 10/769,051

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/30/2004

Group Art Unit: Not yet known

	82.	01/30/2004	10/769,046	Rabinowitz et al.			
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INFORMATION DISCLOSURE CITATION IN AN APPLICATION

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Applicant: Joshua D. RABINOWITZ et al.

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	111.	01/16/2003	US 2003/0012738	Rabinowitz et al.			
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	138.	07/01/2004	US 2004/0126329	Rabinowitz et al.			
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INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant: Joshua D. RABINOWITZ et al.

Filing Date: 1/30/2004

Group Art Unit: Not yet known

	140.	07/01/2004	US 2004/0127490	Rabinowitz et al.			
	141.	08/12/2004	US 2004/0156788	Rabinowitz et al.			
	142.	08/12/2004	US 2004/0156789	Rabinowitz et al.			
	143.	8/12/2004	US 2004/0156790	Rabinowitz et al.			
	144.	08/12/2004	US 2004/0156791	Rabinowitz et al.			

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Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation	
							YES	NO
	145.	03/14/1990	EP 0 358 114	Europe				
	146.	07/03/2001	EP 1 080 720	Europe				
	147.	08/29/2001	EP 0 606 486	Europe				
	148.	06/13/1991	WO 91/07947	WIPO				
	149.	04/11/1996	WO 96/09846	WIPO				
	150.	05/09/1996	WO 96/13161	WIPO				
	151.	05/09/1996	WO 96/13290	WIPO				
	152.	05/09/1996	WO 96/13291	WIPO				
	153.	05/09/1996	WO 96/13292	WIPO				
	154.	10/03/1996	WO 96/30068	WIPO				
	155.	08/07/1997	WO 97/27804	WIPO				
	156.	05/28/1998	WO 98/22170	WIPO				
	157.	07/23/1998	WO 98/31346	WIPO				
	158.	07/23/1998	WO 98/31346	WIPO				
	159.	08/27/1998	WO 98/36651	WIPO				
	160.	09/03/1998	WO 98/37896	WIPO				
	161.	04/08/1999	WO 99/16419	WIPO				
	162.	12/16/1999	WO 99/64094	WIPO				
	163.	01/06/2000	WO 00/00176	WIPO				

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	164.	01/06/2000	WO 00/00215	WIPO			
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	172.	01/25/2001	WO 01/05459	WIPO			
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	176.	Bennett, R.L. et al. (1981). "Patient-Controlled Analgesia: A New Concept of Postoperative Pain Relief," <i>Annual Surg.</i> 195(6):700-705.
	177.	Carroll, M.E. et al. (1990), "Cocaine-base smoking in rhesus monkeys: reinforcing and physiological effects," <i>Psychopharmacology</i> (Berl). 102:443-450.
	178.	Clark, A. and Byron, P. (1986). "Dependence of Pulmonary Absorption Kinetics on Aerosol Particle Size," <i>Z. Erkrank.</i> 166:13-24.
	179.	Darquenne, C. et al. (1997). "Aerosol Dispersion in Human Lung: Comparison Between Numerical Simulations and Experiments for Bolus Tests," <i>American Physiological Society.</i> 966-974.
	180.	Davies, C.N. et al. (May 1972). "Breathing of Half-Micron Aerosols," <i>Journal of Applied Physiology.</i> 32(5):591-600.
	181.	Dershwitz, M., M.D., et al. (September 2000). "Pharmacokinetics and Pharmacodynamics of Inhaled versus Intravenous Morphine in Healthy Volunteers," <i>Anesthesiology.</i> 93(3): 619-628.
	182.	Finlay, W.H. (2001). "The Mechanics of Inhaled Pharmaceutical Aerosols", Academic Press: San Diego Formula 2.39. pp.3-14 (Table of Contents). pp. v-viii.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

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		Applicant: Joshua D. RABINOWITZ et al.	
		Filing Date: 1/30/2004	Group Art Unit: Not yet known
	183.	Gonda, I. (1991). "Particle Deposition in the Human Respiratory Tract," Chapter 176, <u>The Lung: Scientific Foundations</u> . Crystal R.G. and West, J.B. (eds.), Raven Publishers, New York. pp. 2289-2294.	
	184.	Hatsukami D, et al. (May 1990) "A method for delivery of precise doses of smoked cocaine-base to humans." <i>Pharmacology Biochemistry & Behavior</i> . 36(1):1-7.	
	185.	Heyder, J. et al. (1986). "Deposition of Particles in the Human Respiratory Tract in the Size Range 0.005-15 μm ," <i>J. Aerosol Sci.</i> 17(5):811-822.	
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Form PTO-1449

Docket Number: 00042.04CON

Application Number: 10/769,051

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Applicant: Joshua D. RABINOWITZ et al.

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